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Filed : November 15, 2000

### **REMARKS**

The March 9, 2004 Office Action was based upon pending Claims 1-11, 19-25, 30, 32-41 and 49. Applicant notes that while the Office Action Summary incorrectly states Claims 1-11, 15, 19, 30-41 and 49, the Detailed Action of the Office Action correctly addresses pending Claims 1-11, 19-25, 30, 32-41 and 49.

This Response clarifies Claims 1 - 4, 7, 11, 19, 22, 30, 32, 35, 40 and 49. Thus, after entry of this Response, Claims 1-11, 15, 19-25, 30, 32-38, 40-41 and 49 are pending and presented for further consideration.

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King, on June 16, 2004. During the interview, the Examiner agreed that the amendments to Claim 19 clarified the patentably distinguishing features of the invention. Thus, applicants have made similar clarifications to the other independent claims. Reconsideration of the pending claims, as clarified is therefore respectfully requested.

### **REJECTION OF CLAIMS 22, 23, 35, 36 AND 40 UNDER 35 U.S.C. § 102**

In the March 9, 2004 Office Action, the Examiner rejected Claims 22-23, 35-36 and 40 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,519,613 to Friske, et al. ("the Friske patent"). In view of the above claim clarifications and the following discussion, Applicant respectfully traverses this rejection.

Generally speaking the Friske patent appears to describe a system that reorganizes a database by making a copy of the unorganized database. The unorganized database then remains accessible while the copy is being reorganized. During this reorganization process, data requests send to the unorganized database do not appear to be blocked. For example, the Friske patent states:

"Following a reorganization request, a "non-blocking" drain in task 404 places a lock on a new target data set contained in the database 122. The non-blocking drain does not acquire a "traditional" lock on the target data set, wherein a lock is generally understood to be a serialization mechanism by which a data set is restricted for use only by the holder of

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the lock. With the non-blocking drain, any requests to access the target data set will not be blocked although the sequence in which a lock was requested is still recorded. This allows other processes that need to use the target data set to access the data set even when the reorganization process is taking place.” Column 6, lines 56-67 of the Friske patent.

That is, the Friske patent does not appear to describe a system wherein certain transactions are blocked during reorganization.

Furthermore, the Friske patent appears to describe a system where the data remains accessible during reorganization. For example, in the Friske patent, the unorganized database and the reorganized database are temporarily inaccessible while the reorganized database is substituted for the unorganized database:

“The preferred method of the present invention may be practiced on both compressed and uncompressed data sets as shown in task 420. If the target data set does not comprise compressed data, the processor 106 replaces the original logical data set with the reorganized target data set in task 422, which is used to reorganize the physical database 122. Briefly during this replacement step, neither the original nor the reorganized data is accessible by a process request. After the reorganization of a database has occurred, the method ends in task 426. Column 9, lines 10-19 of the Friske patent (emphasis added).

Thus, the Friske patent also does not teach a system where the data remains continuously accessible during reorganization.

Therefore, Applicant as clarified independent Claims 22, 35, and 40 along the lines discussed in the interview. Furthermore, Claims 23 and 36 which depend from Claims 22 and 35, are believed to be patentable for the same reasons articulated above with respect to Claims 22 and 35 and because of the additional features recited therein.

Applicants therefore respectfully submit that Claims 22, 23, 35, 36, and 40 are patentably distinguished over the Friske patent, the other cited references, or any combination thereof.

**REJECTION OF CLAIMS 1-11, 19-21, 24, 25, 30, 32-34, 37, 38, 41 AND 49 UNDER 35 U.S.C. § 103**

In the March 9, 2004 Office Action, the Examiner rejected Claims 1-11, 19-21, 24, 25, 30, 32-34, 37, 38, 41 and 49 under 35 U.S.C. § 103 as being anticipated by “the

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Friske patent in view of U.S. Patent No. 6,122,640 to Pereira ("the Pereira patent"). In view of the above claim clarifications and the following discussion, Applicant respectfully traverses this rejection.

As discussed above, the Friske patent does not teach Applicant's claimed inventions. Furthermore, the Pereira patent also does not appear to teach Applicant's claimed inventions. Rather, the Pereira patent appears to describe a system that reorganizes a database by making a copy of the unorganized database. Like the Friske patent, the Pereira patent also appears to disclose that the unorganized database remains fully accessible during the reorganization process.

That is, the Pereira patent does not appear to describe a system wherein certain transactions are blocked during reorganization. Furthermore, as discussed in the interview, the Pereira patent also does appear not teach a system where the data remains continuously accessible during reorganization.

Therefore, Applicant has clarified independent Claims 1, 19, 30, and 32 along the lines discussed in the interview. Furthermore, dependent Claims 2-11 which depend from Claim 1, dependent Claims 20 and 21 which depend from Claim 19, dependent Claims 24 and 25 which depend from Claim 22, dependent Claims 33 and 34 which depend from Claim 32, dependent Claims 37 and 38 which depend from Claim 35, dependent Claim 41 which depends from Claim 40, and dependent Claim 49 of which depends from Claim 30, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 19, 22, 40 32, 35 and 40 because of the additional features recited therein.

Applicants therefore respectfully submit that Claims 1-11, 19-21, 24, 25, 30, 32, 34, 37, 38, 41 and 49 are patentably distinguished over the Friske patent, the Pereira patent, the other cited references, or any combination thereof.

## **CONCLUSION**

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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